

## PLANNING COMMISSION MINUTES

September 3, 1991

Present: Vice-Chairman Kathi Izatt,, Mick Johnson, Jeff Chretien, Dick Dresher, Mike Holmes, Berwyn Andrus; Les Foy, City Council Rep.; James Stacey, Engineering Dept.; Jon Reed Boothe, Planning Director

Excused: Elaine McKay; Jack Balling, City Engineer Invocation: Berwyn Andrus

Minutes of August 20, 1991 unanimously approved with modification to Subdivisions - Preliminary: Canyon Creek Estates, item 4, delete from first sentence, "which is the upper limits of the city service"; add 1140 psi being the minimum standard for city service."

Conditional Use:

9-3-91.5A 91-5C Bountiful Pawn and Sales, Inc., 600 N. 500 W.

The owners wish to move their business from its current location in West Bountiful, across the street to 600 N. 500 W. in Bountiful. It is an existing building with landscaping and parking. They will deal mostly in small items, occasionally handling larger yard and garden equipment. There will be no permanent outside storage, but they will at times display large equipment outdoors.

Beverly Phipps, owner of a preschool across the street from the pawnshop's proposed new location, is opposed because she feels it is not the right type of business atmosphere to be so close to a preschool-daycare facility where approximately 100 children attend. The pawnshop's present location is a half block from the preschool on the same side of the street. Mr. Foy stated that with a major highway between them he felt it would not cause any conflict.

M. K. Smith, landlord at the West Bountiful location, said he has never had problems with "undesirable people" loitering in the area.

Kevin Willey, owner of the building to be occupied by the-pawnship, stated the lease is strict on the fact that if there are negative problems with this business, the lease will be terminated.

They plan on using the existing pole sign, painting over the old lettering, and will transfer some signage from the present location to the new facility. Mr. Boothe told them they would need to get a sign permit.

Les Foy made a motion to grant the conditional use to Bountiful Pawn and Sales; Berwyn Andrus seconded; voting was unanimous.

Subdivisions - Preliminary:

9-3-91.6A Canyon Creek Estates, 1400 E. Canyon Creek Dr., Tom Mabey (Planning Commission Field Trip Item)

Mr. Boothe presented the site plan. Staff is concerned with lot 3 as to buildable area. A disclaimer will be put on the plat warning buyers that if the slope exceeds 30%, the city will not issue a building permit. There must also be 5,000 sq. ft. minimum buildable area on any lot in the foothill zone.

Mr. Mabey stated that aerial photography is sometimes inaccurate because of shooting through trees and vegetation on the ground. With some preliminary topographic information, he feels there is sufficient area under 30% slope on lot 3.

Staff recommends preliminary approval subject to the following conditions as presented on 8-20-91:

1. The grade meets the ordinance of 12%, and the final design must not exceed 12% grade. The centerline radius on the proposed curve must be increased to 300 ft.;
2. Lots 1 and 2 are buildable as shown. Lot 3 is marginal as to buildable space, and a disclaimer will be put on the plat to put the buyers on notice that if the slope exceeds 30%, a building permit will not be issued. Lots 26, 27, 28 are in the North Canyon Creek Flood Plain, and a grading plan must be presented and approved in the final drawings showing the channelization and containment of the creek to protect the lots and downstream property from flood damage;
3. City will provide at least 40 psi water pressure in the street and will not guarantee that pressure in the homes above the street. Homeowners must provide their own water pumps as needed. The cost of a 1 1/2" water connection for this subdivision is \$4,000 per lot.

Planning Commission has concerns with cul-de-sacs. Mike Holmes said he does not like creating 2000-3000 ft. dead-end streets. City ordinance allows a 600 ft. cul-de-sac. A turnaround at the end is still a cul-de-sac. There is no secondary access into the property as required by ordinance. He feels it would be a safety problem since the length of a cul-de-sac is a safety issue, and we need to deal with the safety of the citizens of Bountiful.

Mike Holmes made a motion to deny preliminary approval to Canyon Creek Estates Subdivision; seconded by Les Foy; Berwyn Andrus voted in favor of the motion; Jeff Chretien, Dick Drescher, and Mick Johnson voted nay; motion ended in a tie 3-3; Kathi Izatt voted to deny. The motion carried by majority vote 4-3.

Miscellaneous:

9-3-91.11A Discussion re R. B. Machine Shop, 1193 S. 425 W. (Field Trip Item)

At its meeting August 20, 1991, the Planning Commission directed staff to amend the verbiage in the ordinance regarding rear yards for commercial property, permitted uses in

N5-D4, to be the same as conditional uses in that neighborhood zoning district. (See minutes 8-20-91). The following was submitted by Mr. Boothe for Planning Commission approval and recommendation to City Council:

Paragraphs 1 and 2, Title 14, Chapter 5-4065, Rear Yard

"The rear yard for PERMITTED USES and CONDITIONAL USES may be waived by the Planning commission if, in its opinion, adequate off- street parking is provided on the same lot or adjoining approved lot, and shall be completely screened by landscaping or opaque fencing from public view. Garbage cans and dumpsters or other refuse containers shall be kept out of view of public streets or abutting properties by use of opaque screening made compatible with building architecture."

Mike Holmes made a motion to have staff pursue the ordinance change for the N5-D4 zone; Jeff Chretien seconded; before a final vote was taken, Berwyn Andrus asked if there were other commercial zones in the city where permitted uses were given a zero rear yard. Mr. Boothe replied no. Berwyn asked why give an industrial park zone the widest latitude of building up against an adjoining property?

Mr. Boothe explained that we are changing a permitted use to a conditional use, which says we have no rear yard for conditional uses if the Planning Commission wants to approve it that way. Right now a permitted use must have a 30 ft. rear yard setback. This change will allow the rear yard setback to be waived for both permitted and conditional uses.

Vehicles have been parked at the property line anyway, and by approving this request, it would screen them and protect them from the weather. This area is part of the parking requirements, therefore the building should be used for parking only and not storage of oil drums, old engines, etc.

Mike Holmes amended his motion to have Reed Boothe review the possibility of defining this as an accessory use (accessory buildings), rather than change the ordinance to allow any type of construction against the rear yard property line; Jeff Chretien seconded the motion, clarifying that the motion's intent is to eliminate construction without a rear yard setback, still maintaining a permitted use of 30 ft., making it a conditional use for an accessory building in the rear yard; (Dick Drescher seconded this clarification on the motion); voting was unanimous.

9-3-91.11B Planning Commission Retreat - Priorities Planning

Kathi explained that the intent of the retreat is to go through a list of items on priorities for the Commission to address in working on things the city needs. The Planning Commission is here not only to address development, it is here to address the larger scale problems of the city that are in our ordinances and in the Master Plan.

There will be a half hour work session at the conclusion of the September 17, 1991 Planning Commission meeting.

### 9-3-91.11C Discussion re Planning Commission Policies and Procedures

Kathi Izatt passed out some bylaws she prepared, which is in addition to the current policies and procedures (10 items) that were never adopted. Dick Dresher said he felt this should be discussed at another meeting to allow time to go over these bylaws. He feels there are other things that could be added to the original 10 items.

Mike Holmes said he felt some of the bylaws could be passed now; for instance, Article 2 Section 1. However, in Section 2, four year terms for Chairman and Vice Chairman are too long, and should be rotated annually. Planning Commission agreed to hold a reelection the first meeting in January of each year.

Mike Holmes made a motion to approve ARTICLE I of the Bylaws of the Bountiful City Planning Commission, dated September 3, 1991; Jeff Chretien seconded the motion; before a vote was taken, Dick Dresher said he felt there needed to be a regular work meeting incorporated into the bylaws to reflect the latter half of the 3rd Tuesday, or other. Mike Holmes and Jeff Chretien withdrew the motion and second. This will be studied and reviewed next meeting.

It was suggested that Dick Dresher present some additional items to Reed Boothe as possible additions to the 10 items currently outlined as policies and procedures. They can be compared to the bylaws and members can decide whether to adopt a short form or a long form.

Kathi said her material was consolidated from four bylaws, three different cities or counties plus the bylaws which are normally used for corporations in the State of Utah.

Inasmuch as Cheryl Okubo resigned as Chairman of the Planning Commission before the start of this meeting, it was decided that a new Chairman and Vice Chairman be elected to begin serving immediately through December, 1991. As mentioned previously, a new election will be held the first meeting in January, 1992. Kathi Izatt opened the floor for nominations.

Mick Johnson nominated Berwyn Andrus for Chairman, seconded by Mike Holmes. Berwyn declined the nomination. He had tendered his resignation to the Mayor and was asked to stay another 6 weeks, which is now up. The motion and second was withdrawn.

Mick Johnson nominated Jeff Chretien for Chairman; Mike Holmes seconded the motion; voting was unanimous.

Jeff Chretien nominated Mike Holmes for the office of Vice Chairman; Mick Johnson seconded the motion; voting was unanimous.

Mike Holmes made a motion that the Planning Commission Chairman and Vice Chairman be reelected from among the membership on the first meeting scheduled in January of each year; Mick Johnson seconded the motion; voting was unanimous.

Meeting adjourned at 8:40 PM.